

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TRUSTEES OF THE CALVARY KOREAN BAPTIST CHURCH & NEW CINGULAR WIRELESS PCS, LLC d.b.a. AT&T MOBILITY, SPA 2004-MV-025 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 2004-MV-025 previously approved for a church and telecommunications facility to permit site modifications and modifications of development conditions. Located at 8616 Pohick Rd. on approx. 3.98 ac. of land zoned R-1. Mt. Vernon District. Tax Map 98-1 ((1)) 21. (In association with SEA 2004-MV-001) (Admin. moved from 2/24/10 at appl. req.) Mr. Beard moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 31, 2010; and

WHEREAS, the Board has made the following findings of fact:

1. Trustees of the Calvary Korean Baptist Church is the owner of the land.
2. The present zoning is R-1.
3. The area of the lot is 3.98 acres.
4. The Board has a staff recommendation for approval.
5. This, in conjunction with Sect. 9-104, will be disguised as a tree, which is in keeping with the proximity.
6. There are no other locations available since it is in an R District, pursuant to Sect. 9-104.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicants, Trustees of the Calvary Korean Baptist Church and New Cingular Wireless PCS, LLC d.b.a. AT&T Mobility, and is not transferable without further action of this Board, and is for the location indicated on the application, 8616 Pohick Road (3.98 acres) and is not transferable to other land.
2. This special permit amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit amendment plat prepared by Entrex Communication Services, Inc., dated June 5, 2009, as revised through February 18, 2010, plat entitled "Maverick-Pohick Road Verizon Monopole", approved with the application, as qualified by these development conditions.
3. A copy of this special permit amendment and the Non-Residential Use Permit (Non-Rup) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

4. This special permit amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. There shall be a maximum of 70 seats in the sanctuary of the church.
6. Parking shall be provided as shown on the SEA/SPA plat. All parking shall be on-site.
7. All signs, existing and proposed, shall be in conformance with Article 12 of the Zoning Ordinance.
8. All existing vegetation on the property is to be maintained in good condition, including the removal and replacement of all dead, dying and diseased trees, as determined by Urban Forest Management (UFM).
9. Prior to issuance of the Non-Rup, the applicant shall install a single row of evergreen plantings along the southern and western boundaries of the parking area to shield automobile headlight glare from impacting Pohick Road and the property identified as Tax Map 98-1 ((1)) 20. These evergreen plantings shall be installed subject to approval by Urban Forest Management (UFM).
10. Transitional screening shall be modified as shown on the SEA/SPA plat and as described in Condition # 8.
11. Barriers shall be waived in favor of that shown on the SEA/SPA plat.
12. Any new lighting, or replacement lighting installed on the subject property shall be provided in accordance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance.
13. The trailers (C, D and E) depicted on the SEA/SPA plat shall be approved until July 1, 2013.
14. A site plan shall be submitted within six months from the final approval date of this special permit for trailer "E" and the gravel area located to the north and east of all trailers (C, D and E) depicted on the SEA/SPA plat. If the site plan has not been submitted as required above, the approval for trailer "E" shall be null and void, and the trailer shall be removed.
15. Prior to the issuance of a Non-Rup, a site plan shall be submitted for trailer "E" and the impervious gravel area located to the north and east of all trailers (C,D and E) depicted on the SEA/SPA plat. A re-vegetation plan shall be submitted concurrently with the site plan, depicting the re-vegetation of the gravel area with mixed native seedlings. All re-vegetation plantings shall meet Public Facility Manual (PFM) standards, as determined by UFM. The re-vegetation plan shall include, but not be limited to, the following:

- Plant list detailing species, sizes, quantities and stock type of trees
- Soil treatments and amendments, if necessary.
- Methods of installation
- Maintenance
- Monitoring

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Permit Amendment shall not be valid until this has been accomplished.

Pursuant to Section 8-015 of the Zoning Ordinance, this Special Permit Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit amendment. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Smith seconded the motion, which carried by a vote of 6-0. Ms. Gibb was absent from the meeting.